



Signed and Filed: October 06, 2009

Dennis Montali

DENNIS MONTALI
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

In re
ROSALINDA SHARPE,
Debtor.) Bankruptcy Case
) No. 09-32767DM
)
)
) Chapter 13
)

ORDER DENYING REQUEST FOR HARDSHIP DISCHARGE
AND DIRECTING THE FILING OF REQUIRED DOCUMENTS

Debtor has submitted an October 5, 2009, request for a hardship discharge under section 1328(b) of the Bankruptcy Code based upon her health problems and her inability to work. The court cannot consider granting a hardship discharge unless and until she has confirmed a Chapter 13 plan, which has not happened. Accordingly, the request for a hardship discharge is DENIED.

Debtor has not filed the required statements, schedules or a Chapter 13 plan. Her request refers to a required Proof of Claim, but the court assumes she is referring to the documents listed in the court's September 18, 2009, order to file the required documents within fifteen days.

The court understands the difficult situation that Debtor is in. Unfortunately Chapter 13 does not permit a debtor to avoid the required filings. Thus, unless Debtor promptly files the

1 required documents, the case will need to be dismissed. Under the
2 circumstances that might be the best alternative for Debtor. When
3 her health problems are under control and she is able to work,
4 then a new Chapter 13 case may be appropriate.

Unless the required documents that are listed in the September 18, 2009, order are filed within seven days from the date of this order, the Clerk is directed to dismiss this case.

END OF ORDER

COURT SERVICE LIST

2 Rosalinda Sharpe
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3 San Francisco, CA 94122

4 David Burchard
393 Vintage Park Dr., Ste. 150
5 Foster City, CA 94404

6 United States Trustee
235 Pine St., Ste. 700
7 San Francisco, CA 94104

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